

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS SADBERRY,

Plaintiff,

v.

ISIDRO BACA et al.,

Defendants.

3:15-cv-00612-RCJ-VPC

ORDER

I. DISCUSSION

On December 15, 2015, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 but did not file an application to proceed *in forma pauperis*. (ECF No. 1, 1-1). On December 17, 2015, this Court issued an order directing Plaintiff to either (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which included the \$350 filing fee and the \$50 administrative fee). (ECF No. 3 at 2). On December 29, 2015, Plaintiff filed a new application to proceed *in forma pauperis*. (ECF No. 4). However, this application is incomplete.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 4). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the

1 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full
2 filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma*
3 *pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files
4 another incomplete application to proceed *in forma pauperis*, the Court will dismiss the case
5 in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the
6 necessary documents to file a complete application to proceed *in forma pauperis*.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
9 *forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

10 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
11 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
12 entitled information and instructions for filing an *in forma pauperis* application.

13 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
14 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
15 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
16 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
17 administrative fee).

18 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
19 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
20 new case when he is able to acquire the necessary documents to file a complete application
21 to proceed *in forma pauperis*.

22 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
23 dismissal of this action may result.

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1 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
2 No. 1-1), but shall not file it at this time.

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4 DATED: This 9th day of February, 2016.

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United States Magistrate Judge
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